

Notice of Allowability

Application No.

09/555,704

Examiner

Stacy B Chen

Applicant(s)

ISHIKAWA ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 28, 2004.
2. ☒ The allowed claim(s) is/are 1-3,5,7,9,10,13,15 and 16.
3. ☒ The drawings filed on 02 June 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date attached.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Stacy B. Chen
September 1, 2004
571-272-0896

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jacqueline Mahoney on September 1, 2004.

The application has been amended as follows:

IN THE CLAIMS:

Claim 1 has been amended as follows:

Claim 1. (Currently amended) An inactivated virus particle, as a reinforced immunogen, prepared from a culture of cells infected with virus belonging to a group of Japanese encephalitis viruses, wherein the process of preparation comprises a step of inactivation followed by a step of purification solely by physical means, wherein a neutralizing antibody titer of the anti-serum obtained by immunization with the virus particles is about twice to about 10 times the neutralizing antibody titer of the anti-serum obtained by immunization with inactivated virus particles prepared from virus cultured in mouse brain wherein the particles are chemically purified and subsequently inactivated.

Claim 2 has been amended as follows:

Claim 2. (Currently amended) A method for producing an inactivated virus particle, comprising culturing virus belonging to a group of Japanese encephalitis viruses in a cell line, inactivating the cell culture and then purifying the virus solely by physical means, wherein a

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neutralizing antibody titer of the anti-serum obtained by immunization with the virus particles is about twice to about 10 times the neutralizing antibody titer of the anti-serum obtained by immunization with inactivated virus particles prepared from virus cultured in mouse brain wherein the particles are chemically purified and subsequently inactivated.

Examiner's Comment

2. Claims 1 and 2 were amended to clarify the method of purification of the particle prepared from virus cultured in mouse brain. Claims 1 and 2, as amended, recite, "wherein the particles are chemically purified and subsequently inactivated". This amended clause refers to the particles that are cultured in mouse brain. Claim 2 was amended to correct the inadvertent deletion of "solely". Claim 2 now recites, "purifying the virus solely by physical means", consistent with claim 1 and previous versions of claim 2.

Conclusion

3. Claims 1-3, 5, 7, 9, 10, 13, 15 and 16, as amended, are allowable.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stacy B. Chen whose telephone number is 571-272-0896. The examiner can normally be reached on M-F (7:00-4:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James C. Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

SBC

Stacy B. Chen
September 1, 2004

James C. Housel
9/7/04
JAMES HOUSEL
SUPERVISORY PATENT EXAMINER
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